

# State of Oregon

## Permit surcharge fee

### When is the state surcharge fee added to a permit?

A state surcharge fee of 12% is applied to all building permit types issued in the State of Oregon. Permits are issued any time a construction activity under the state building code is authorized and will be inspected.

### Permit items that must include the state surcharge

- Electrical (including services)
- Mechanical (including components)
- Plumbing (including fixtures)
- Structural permits
- Manufactured dwelling installation permits
- New minor and bulk labels or replacement labels
- Boiler permits
- Elevator permits (including reconNECTIONS to power)
- Prefabricated component insignias
- Prefabricated building inspections
- Re-inspections
- Investigative fees charged when construction has started prior to obtaining a permit
- Hourly/half-hourly rates (*in lieu of standard permit fees for inspection*)
- Specially requested inspections or evaluations
- Inspections requested by a government agency under ORS 190
- Additional inspection fees or hourly rates
- Inspection for which no fee is specified
- Any fee charged to activate (open) an expired permit, which will result in an inspection
- Minimum or base fees
- Master permit or industrial plant inspections (including yearly master permit renewals, and cost of inspection, report writing time, and per diem)
- Retention of permit fees (*permit issued with some inspections completed. Jurisdiction retains the percentage of permit fees according to the percent of inspections performed. Surcharge is paid on the percent of fees retained.*)
- Permits issued for work regulated by the Small Home Specialty Code as adopted in HB 2423, 2019 Regular Session

### FAST FACTS

*Oregon has 131 municipalities that administer the State Building Code.*

*Permits are required for construction, reconstruction, alteration, and repair of structures and buildings.*

*Fees collected must be used for the administration and enforcement of a building inspection program. (ORS 455.210(3) (c)).*

*Municipalities must collect and remit surcharges either monthly or quarterly depending jurisdiction population.*

*Surcharge fees are calculated using the total permit fee:*

*Total permit fee × 0.12 (12%)*

### CONTACT

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## Matters identified in the OSSC and ORSC as available for local adoption

Examples of matters identified in the Oregon Structural Specialty Code (OSSC) and the Oregon Residential Specialty Code (ORSC) as available for local adoption, for which the OSSC and/or the ORSC provide technical construction standards that must include surcharge include:

- Cellular phone, radio, television and other telecommunications towers that are not attached to or supported by a regulated building.
- Freestanding ground mounted flagpoles exceeding 25 feet in height
- Signs not located in a public right-of-way and not attached to or supported by a regulated building
- Wildfire hazard mitigation standards
- Protection of adjoining property
- Retaining walls not otherwise regulated under the provisions of the OSSC or ORSC
- Fences over 7 feet in height, other than required swimming pool barriers
- Tanks that are located exterior to and not attached to or supported by a regulated building
- Equipment shelters not intended for human occupancy with a building area 250 square feet or less, designated as Risk Category I or II
- Fixed docks, piers and wharves, without a superstructure

## Special local policy considerations

The surcharge would apply to any resulting permit activity for special local policy considerations where local program determinations require compliance with a specialty code provision. The authority to require compliance with a specialty code provision would not, of itself, be characterized as permit activity:

- Pursuant to the regulation of dangerous building, seismic rehabilitation plans that provide for phased completion of repairs that are designed to provide improved life safety but may be less than the standards for new buildings (ORS 455.020[4])
- Abatement of nuisances and dangerous buildings (ORS 455.020[4])
- Administration and implementation of a National Flood Insurance Program (NFIP)

## Fees excluded from State Surcharge

- All types of plan review fees (including plan review fees for phased projects and deferred plan submittals)
- State administrative fee (*on manufactured dwelling placement permit*)
- Plan, fire life safety and seismic reviews
- System, technology and automation fees
- Local planning fees or surcharges (including long range planning)
- Sewer, storm sewer/drainage and septic
- Streets, sidewalks, driveways and transportation
- Parks (*municipal, etc.*)
- Water
- General development
- Flood plain, erosion control and hazard mitigation plan
- City or County administration fees or surcharges
- Site review fees

- Demolition fees (*charged when a total structure is destroyed*)
- Credit card usage fees (*when a customer chooses to use a credit/debit card to pay for services*)

**Note:** Jurisdictions may only charge “credit card fees” on top of an adopted fee schedule when this is a fee charged across all of the jurisdiction’s programs. Otherwise, a surcharge for the use of a credit card to pay for a fee in a building inspection program is considered an “administrative fee” and must be incorporated into the fee schedule or into the cost of an individual permit as appropriate (See OAR 918-050-0110(2)).

- Zoning fees
- Additional clerical staff time
- Returned checks
- Permit transfers
- Copying of additional sets of plans
- Metro Excise tax
- Rural address assignments
- Civil penalties and investigation fees (*related to compliance*)
- Permit fees not collected by building inspection program (e.g. waiver, credit, write-off)
- Permit refunds (*permit refunds are a flat rate processing fee based upon the work involved in processing the refund; refunds based upon a percentage of permit fees are prohibited because a percentage of fees varies and does not necessarily reflect the work performed to issue the refund*)
- Retention of plan review fees (*plan review performed with no additional work – no surcharge applies*)

## **Matters identified in the OSSC and ORSC as outside the statutory authority of the respective code**

Examples of matters identified in the OSSC and ORSC as outside the statutory authority of the respective code and **where the surcharge would therefore not apply** include:

- Floating structures
- Demolition
- Transitional housing accommodations
- Appendix J – Grading
- Fire safety during construction
- Temporary use of streets, alleys and public ways
- Encroachments into the public right-of-way
- Dangerous buildings